

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0442.03 Brita Darling x2241

HOUSE BILL 26-1327

HOUSE SPONSORSHIP

Feret, Bacon, Brown, Clifford, Garcia, Lieder, Mauro, Rutinel, Rydin, Stewart R., Titone, Velasco, Woodrow, Zokaie

SENATE SPONSORSHIP

Mullica,

House Committees

Health & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTH-CARE SUPPORT FOR LARGE EMPLOYERS'**
102 **WORKERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the large employer health-care support enterprise (enterprise) to impose, assess, and collect the large employer health-care support fee (enterprise fee) in the amount of \$2,300 for each supported worker for the calendar year. A worker who is receiving medical assistance benefits under the state medical assistance program is a supported worker (supported worker).

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

The business purpose of the enterprise is to help large employers retain supported workers who are not provided employer-sponsored affordable health coverage by using enterprise fee revenue to help finance the costs for medical assistance benefits for large employers' workers. This service reduces lost productivity due to worker illness and training costs to replace workers who may otherwise seek employment that provides affordable health coverage.

An employer is subject to the enterprise fee if the employer is a large employer, which is defined in the bill as an employer that has 500 or more supported workers (large employer). An employer is exempted from paying the enterprise fee if the employer:

- Provides affordable health coverage to all workers working 20 or more hours per week or 80 or more hours per month;
- Is a franchisee of the employer;
- Is a nonprofit employer;
- Is a public employer; or
- Has a collective bargaining agreement with its employees that includes health-care coverage.

Starting with a review of the 2027 calendar year, the department of health care policy and financing (HCPF) shall prepare a large employer report by March of the following calendar year that identifies large employers by their number of supported workers for the preceding calendar year. An employer may contest the employer's identification as a large employer. Once identified, a large employer shall either pay the enterprise fee for each of the large employer's supported workers or demonstrate that it provides affordable health coverage to all workers working 20 or more hours per week or 80 or more hours per month. The enterprise may adjust the amount of the enterprise fee to reflect the cost of the services, for inflation, or for other reasons. A large employer commits a petty offense and is subject to a civil penalty for failure to provide information necessary to calculate the enterprise fee or to either timely pay the enterprise fee or demonstrate that the large employer offers affordable health coverage as specified in the bill.

Enterprise revenue is used to pay for medical assistance benefits for working-age adults under the state medical assistance program and to increase reimbursement rates for health-care providers providing medical assistance program services to ensure worker access to medical services.

The enterprise is governed by the enterprise board, and the enterprise board shall report annually to the general assembly on the enterprise revenue and the enterprise's use of the enterprise revenue in support of large employers.

If the enterprise determines that retaining additional enterprise fee revenue would cause the enterprise to receive more than \$100 million dollars in its first 5 fiscal years, the state treasurer shall credit the additional fee revenue to the large employer fee cash fund created in the

1 WHICH PARTICIPATION KEEPS WORKERS HEALTHY AND REDUCES LOST
2 PRODUCTIVITY DUE TO WORKER ILLNESS; AND

3 (d) FURTHER, THE STATE'S INVESTMENT IN HEALTH CARE FOR
4 LARGE EMPLOYERS' WORKERS BOTH REDUCES COSTS AND INCREASES
5 PROFITS FOR LARGE EMPLOYERS BECAUSE:

6 (I) LARGE EMPLOYERS ARE NOT PROVIDING HEALTH COVERAGE
7 FOR MEDICAL CARE THAT EVERY WORKER NEEDS; AND

8 (II) MEDICAL ASSISTANCE BENEFITS SUPPORT THE RETENTION OF
9 WORKERS IN CERTAIN JOBS AND REDUCE LARGE EMPLOYERS' TRAINING
10 COSTS THAT ARISE WHEN REPLACING WORKERS WHO MAY OTHERWISE
11 SEEK EMPLOYMENT THAT PROVIDES AFFORDABLE HEALTH COVERAGE.

12 (2) THE GENERAL ASSEMBLY DECLARES THAT:

13 (a) THE LARGE EMPLOYER HEALTH-CARE SUPPORT ENTERPRISE
14 PROVIDES VALUABLE BENEFITS AND BUSINESS SERVICES TO LARGE
15 EMPLOYERS BY, IN EXCHANGE FOR PAYING THE LARGE EMPLOYER
16 HEALTH-CARE SUPPORT FEE IMPOSED PURSUANT TO SECTION 25.5-1-1206,
17 USING THE FEE REVENUE TO, AS DETERMINED BY THE BOARD:

18 (I) IMPROVE THE HEALTH AND PRODUCTIVITY OF WORKERS FOR
19 WHOM A LARGE EMPLOYER DOES NOT PROVIDE AFFORDABLE HEALTH
20 COVERAGE BY SUPPORTING THE COST OF MEDICAL ASSISTANCE BENEFITS
21 FOR THE LARGE EMPLOYER'S WORKERS; ■

22 (II) ENSURE ACCESS TO NECESSARY HEALTH-CARE SERVICES FOR
23 A LARGE EMPLOYER'S WORKERS BY INCREASING HEALTH-CARE PROVIDER
24 REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM; AND

25 (III) ASSIST WITH INITIAL COSTS FOR OR ONGOING MAINTENANCE
26 OF LARGE EMPLOYER WELLNESS PROGRAMS OR ON-SITE HEALTH CLINICS
27 FOR WORKERS;

1 (b) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
2 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
3 LARGE EMPLOYER HEALTH-CARE SUPPORT ENTERPRISE AND THE
4 ENTERPRISE DOES NOT REQUIRE VOTER APPROVAL PURSUANT TO SECTION
5 24-77-108;

6 (c) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
7 THE STATE TO ACKNOWLEDGE THAT, BY PROVIDING THE BENEFITS AND
8 SERVICES SPECIFIED IN THIS PART 12, THE LARGE EMPLOYER HEALTH-CARE
9 SUPPORT ENTERPRISE ENGAGES IN ACTIVITIES CONDUCTED IN THE PURSUIT
10 OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A
11 BUSINESS; AND

12 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
13 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
14 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
15 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
16 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
17 THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS GENERATED BY A
18 FEE, NOT A TAX, BECAUSE THE MONEY CREDITED TO THE ENTERPRISE IS:

19 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
20 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES
21 DESCRIBED IN THIS PART 12;

22 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
23 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;
24 AND

25 (III) NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
26 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
27 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR

1 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
2 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
3 SECTION 24-77-103.6 (6)(b), SO LONG AS THE ENTERPRISE QUALIFIES AS
4 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
5 CONSTITUTION.

6 **25.5-1-1203. Definitions.**

7 AS USED IN THIS PART 12, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (1) "AFFORDABLE HEALTH COVERAGE" MEANS HEALTH COVERAGE
10 THAT IS EQUIVALENT TO THE MINIMUM ESSENTIAL COVERAGE REQUIRED
11 UNDER THE FEDERAL ACT AND THAT IS AFFORDABLE AND PROVIDES
12 MINIMUM VALUE, AS DETERMINED UNDER THE FEDERAL ACT AS IT EXISTED
13 ON DECEMBER 31, 2025.

14 (2) "BOARD" MEANS THE ENTERPRISE BOARD CREATED IN SECTION
15 25.5-1-1205.

16 (3) "DEPARTMENT OF REVENUE" MEANS THE DEPARTMENT OF
17 REVENUE CREATED IN SECTION 24-1-117.

18 (4) (a) "EMPLOYER" MEANS A PERSON THAT CONDUCTS BUSINESS
19 IN THE STATE.

20 (b) "EMPLOYER" DOES NOT INCLUDE A PERSON THAT:

21 (I) PROVIDES AFFORDABLE HEALTH COVERAGE TO ALL WORKERS
22 WORKING TWENTY OR MORE HOURS EACH WEEK OR EIGHTY OR MORE
23 HOURS EACH MONTH;

24 (II) IS A FRANCHISEE OF THE EMPLOYER;

25 (III) IS A NONPROFIT EMPLOYER;

26 (IV) IS A PUBLIC EMPLOYER, AS DEFINED IN SECTION 29-33-103 (6),
27 OR A PUBLIC ENTITY AS DEFINED IN SECTION 24-10-103 (5); OR

1 (V) HAS A COLLECTIVE BARGAINING AGREEMENT WITH ITS
2 EMPLOYEES THAT INCLUDES AFFORDABLE HEALTH-CARE COVERAGE.

3 (5) "ENTERPRISE" MEANS THE LARGE EMPLOYER HEALTH-CARE
4 SUPPORT ENTERPRISE CREATED IN THIS PART 12.

5 (6) "FEDERAL ACT" MEANS THE "PATIENT PROTECTION AND
6 AFFORDABLE CARE ACT", PUB.L. 111-148, AS AMENDED BY THE FEDERAL
7 "HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010", PUB.L.
8 111-152, AS AMENDED, INCLUDING ANY FEDERAL REGULATIONS ADOPTED
9 UNDER THE FEDERAL ACT.

10 (7) "FEE" MEANS THE LARGE EMPLOYER HEALTH-CARE SUPPORT
11 FEE CREATED IN SECTION 25.5-1-1206.

12 (8) "FUND" MEANS THE LARGE EMPLOYER HEALTH-CARE SUPPORT
13 FUND CREATED IN SECTION 25.5-1-1207.

14 (9) (a) "LARGE EMPLOYER" MEANS AN EMPLOYER WITH FIVE
15 HUNDRED OR MORE SUPPORTED WORKERS DURING THE IMMEDIATELY
16 PRECEDING CALENDAR YEAR.

17 (b) FOR PURPOSES OF SUBSECTION (9)(a) OF THIS SECTION, THE
18 DETERMINATION OF THE AVERAGE NUMBER OF WORKERS WHO ARE
19 RECEIVING MEDICAL ASSISTANCE BENEFITS IN THE PRECEDING CALENDER
20 YEAR DOES NOT INCLUDE:

- 21 (I) A WORKER WHO IS UNDER EIGHTEEN YEARS OLD; OR
- 22 (II) A WORKER EMPLOYED AS A SEASONAL WORKER, AS DEFINED
23 IN SECTION 8-70-103 (23.6).

24 (10) "MEDICAL ASSISTANCE BENEFITS" MEANS BENEFITS PROVIDED
25 UNDER THE MEDICAL ASSISTANCE PROGRAM TO WORKERS WHO ARE
26 ELIGIBLE FOR BENEFITS PURSUANT TO SECTION 25.5-5-201 (1)(m) OR
27 (1)(p).

1 (11) "MEDICAL ASSISTANCE PROGRAM" MEANS THE STATE
2 MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN ARTICLES 4, 5, AND 6 OF
3 THIS TITLE 25.5.

4 (12) "SUPPORTED WORKERS" MEANS, FOR THE CALENDAR YEAR,
5 THE AVERAGE OF THE NUMBER OF A LARGE EMPLOYER'S WORKERS WHO
6 RECEIVED MEDICAL ASSISTANCE BENEFITS FOR ANY MONTH IN THE
7 CALENDAR YEAR BEGINNING AFTER THE FIRST SIXTY DAYS OF
8 EMPLOYMENT.

9 (13) "WORKER" MEANS AN EMPLOYEE, AS DEFINED IN SECTION
10 8-4-101 (5), OF A LARGE EMPLOYER.

11 **25.5-1-1204. Large employer health-care support enterprise**
12 **- creation - purpose - reporting - repeal.**

13 (1) THERE IS CREATED THE LARGE EMPLOYER HEALTH-CARE
14 SUPPORT ENTERPRISE. THE ENTERPRISE IS AND OPERATES AS A
15 GOVERNMENT-OWNED BUSINESS WITHIN THE STATE DEPARTMENT FOR THE
16 PURPOSE OF CONDUCTING THE BUSINESS ACTIVITIES DESCRIBED IN
17 SUBSECTION (2) OF THIS SECTION. THE ENTERPRISE IS A **TYPE 1** ENTITY, AS
18 DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS
19 ITS DUTIES AND FUNCTIONS UNDER THE STATE DEPARTMENT.

20 (2) THE ENTERPRISE IS CREATED FOR THE BUSINESS PURPOSE OF
21 IMPOSING, ASSESSING, AND COLLECTING THE LARGE EMPLOYER
22 HEALTH-CARE SUPPORT FEE PURSUANT TO SECTION 25.5-1-1206 AND TO
23 USE THE FEE REVENUE TO SUPPORT THE HEALTH, PRODUCTIVITY, AND
24 RETENTION OF A LARGE EMPLOYER'S SUPPORTED WORKERS BY, AS
25 DETERMINED BY THE BOARD:

26 (a) PROVIDING AND MAINTAINING ELIGIBILITY FOR MEDICAL
27 ASSISTANCE BENEFITS FOR WORKING-AGE ADULTS WHO ARE:

1 (I) PARENTS OR CARETAKER RELATIVES AND WHO ARE ELIGIBLE
2 FOR MEDICAL ASSISTANCE BENEFITS PURSUANT TO SECTION 25.5-5-201
3 (1)(m); OR

4 (II) ADULTS WHO ARE CHILDLESS OR WITHOUT A DEPENDENT
5 CHILD IN THE HOME AND WHO ARE ELIGIBLE FOR MEDICAL ASSISTANCE
6 BENEFITS PURSUANT TO SECTION 25.5-5-201 (1)(p); ■

7 (b) MAINTAINING SUPPORTED WORKERS' ACCESS TO HEALTH-CARE
8 SERVICES BY INCREASING HEALTH-CARE PROVIDER REIMBURSEMENT
9 RATES UNDER THE MEDICAL ASSISTANCE PROGRAM; AND

10 (c) ASSISTING WITH INITIAL COSTS FOR OR ONGOING MAINTENANCE
11 OF LARGE EMPLOYER WELLNESS PROGRAMS OR ON-SITE CLINICS FOR
12 WORKERS.

13 (3) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
14 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
15 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
16 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS DEFINED IN
17 SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND LOCAL
18 GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE,
19 THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE
20 STATE CONSTITUTION.

21 (4) IN FURTHERANCE OF THE BUSINESS PURPOSES OF THE
22 ENTERPRISE AND TO FULLY EXERCISE ITS POWERS AND DUTIES THROUGH
23 THE BOARD, THE ENTERPRISE HAS THE POWER AND DUTY TO:

24 (a) IMPOSE, ASSESS, AND COLLECT THE LARGE EMPLOYER
25 HEALTH-CARE SUPPORT FEE PURSUANT TO SECTION 25.5-1-1206;

26 (b) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE OF THE
27 ENTERPRISE;

1 (c) PAY THE REASONABLE, DIRECT, AND INDIRECT ADMINISTRATIVE
2 COSTS OF THE ENTERPRISE, INCLUDING THE REASONABLE ADMINISTRATIVE
3 COSTS OF THE STATE DEPARTMENT AND THE DEPARTMENT OF REVENUE IN
4 CONNECTION WITH THEIR DUTIES RELATING TO THE FEE;

5 (d) (I) ENTER INTO CONTRACTS WITH THIRD PARTIES, INCLUDING
6 THE STATE DEPARTMENT, TO ENGAGE THE SERVICES OF PUBLIC OR PRIVATE
7 ENTITIES, CONTRACTORS, OR CONSULTANTS FOR PROFESSIONAL AND
8 TECHNICAL ASSISTANCE AND TO PROVIDE ADVICE AND OTHER SERVICES
9 RELATED TO CONDUCTING THE AFFAIRS OF THE ENTERPRISE, WITHOUT
10 REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
11 24. THE ENTERPRISE SHALL GENERALLY AVOID USING SINGLE-SOURCE
12 BIDS.

13 (II) THE STATE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND
14 ADMINISTRATIVE STAFF TO THE ENTERPRISE, AS NEEDED, AT FAIR MARKET
15 RATES, PURSUANT TO A CONTRACT ENTERED INTO PURSUANT TO THIS
16 SUBSECTION (4)(d).

17 (e) ADOPT, AMEND, OR REPEAL RULES OR POLICIES FOR THE
18 REGULATION OF THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF THE
19 ENTERPRISE'S BUSINESS CONSISTENT WITH THIS PART 12;

20 (f) ENGAGE THE ATTORNEY GENERAL'S OFFICE FOR LEGAL
21 SERVICES;

22 (g) ENGAGE THE STATE DEPARTMENT AS NECESSARY TO REVIEW
23 ADMINISTRATIVE DATA FOR PURPOSES OF IDENTIFYING LARGE EMPLOYERS
24 AND DETERMINING A LARGE EMPLOYER'S NUMBER OF SUPPORTED
25 WORKERS;

26 (h) ENGAGE THE DEPARTMENT OF REVENUE TO COLLECT AND
27 ENFORCE THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE;

1 (i) PREPARE AND SUBMIT AN ANNUAL REPORT OF THE ENTERPRISE'S
2 ACTIVITIES AND FUNDING PURSUANT TO SUBSECTION (6) OF THIS SECTION;

3 (j) SEEK, ACCEPT, AND EXPEND GRANTS OR OTHER MONEY FROM
4 THE FEDERAL GOVERNMENT AND GIFTS, GRANTS, OR DONATIONS FROM
5 OTHER PUBLIC AND PRIVATE SOURCES TO SUPPORT AND ENHANCE
6 ENTERPRISE ACTIVITIES; EXCEPT THAT THE ENTERPRISE SHALL NOT ACCEPT
7 GRANTS FROM THE STATE OR FROM LOCAL GOVERNMENTS UNLESS THE
8 COMBINED TOTAL OF ALL GRANTS FROM SUCH SOURCES IS UNDER TEN
9 PERCENT OF THE ENTERPRISE'S ANNUAL REVENUE; AND

10 (k) EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL
11 TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS
12 PART 12.

13 (5) (a) (I) ON OR AFTER THE EFFECTIVE DATE OF THIS PART 12, THE
14 STATE TREASURER MAY TRANSFER UP TO NINETY-FIVE THOUSAND
15 DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE PURPOSE OF
16 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
17 FEE REVENUE OR REVENUE BOND PROCEEDS. NOTWITHSTANDING ANY
18 OTHER LAW, THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO
19 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR
20 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE
21 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, THE TRANSFER
22 IS A LOAN FROM THE STATE TREASURER TO THE ENTERPRISE THAT IS
23 REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION
24 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN
25 SECTION 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE
26 ENTERPRISE IS CREDITED TO THE FUND OR TO AN ACCOUNT WITHIN THE
27 FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT THAT ARE

1 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE
2 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE
3 FOR PURPOSES OF SECTION 24-75-109.

4 (II) NO LATER THAN JULY 1, 2029, THE ENTERPRISE SHALL REPAY
5 THE LOAN RECEIVED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION
6 AND ACCUMULATED INTEREST. INTEREST ACCRUES ON THE MONEY
7 BORROWED AT A RATE PER ANNUM ON THE MOST RECENTLY ISSUED
8 TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE NEAREST
9 ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL STREET
10 JOURNAL" AS OF THE DATE THE TRANSFER IS MADE, BEGINNING ON THAT
11 DATE AND CONTINUING UNTIL THE DATE ON WHICH THE MONEY IS REPAYED.

12 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2030.

13 (6) THE ENTERPRISE SHALL PREPARE AN ANNUAL REPORT
14 REGARDING ITS ACTIVITIES AND FUNDING AND PRESENT THE REPORT TO
15 THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES
16 COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE,
17 OR THEIR SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST
18 THE ANNUAL REPORT ON A PUBLIC-FACING WEBSITE. NOTWITHSTANDING
19 THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
20 SUBMIT A REPORT PURSUANT TO THIS SUBSECTION (6) CONTINUES
21 INDEFINITELY.

22 (7) (a) THE ENTERPRISE BOARD IS SUBJECT TO THE OPEN MEETINGS
23 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
24 PART 4 OF ARTICLE 6 OF TITLE 24. EXCEPT AS MAY OTHERWISE BE
25 PROVIDED BY FEDERAL LAW OR STATE LAW, THE RECORDS OF THE
26 ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6),
27 AND ARE SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF

1 ARTICLE 72 OF TITLE 24.

2 (b) NOTHING IN THIS PART 12 AUTHORIZES THE DISCLOSURE TO
3 THE PUBLIC BY THE ENTERPRISE, THE BOARD, THE STATE, OR AN EMPLOYER
4 OR ITS AGENT OF ANY INFORMATION THAT WOULD IDENTIFY A SPECIFIC
5 WORKER OR A SPECIFIC WORKER'S STATUS AS A RECIPIENT OF MEDICAL
6 ASSISTANCE BENEFITS.

7 (8) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
8 OF ARTICLE 57 OF TITLE 11.

9 **25.5-1-1205. Enterprise board of directors - creation -**
10 **appointment - duties - rules - repeal.**

11 (1) THE LARGE EMPLOYER HEALTH-CARE SUPPORT ENTERPRISE IS
12 GOVERNED BY THE ENTERPRISE BOARD OF DIRECTORS. THE BOARD
13 CONSISTS OF THE FOLLOWING SEVEN VOTING MEMBERS:

14 (a) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
15 DESIGNEE; AND

16 (b) SIX MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE
17 AND CONSENT OF THE SENATE, INCLUDING:

18 (I) TWO MEMBERS WHO ARE HEALTH-CARE PROVIDERS WHO SERVE
19 PATIENTS WHO RECEIVE MEDICAL ASSISTANCE BENEFITS;

20 (II) ONE MEMBER WHO IS A WORKER WHO RECEIVES OR HAS
21 RECEIVED MEDICAL ASSISTANCE BENEFITS WHILE EMPLOYED;

22 (III) ONE MEMBER WHO REPRESENTS A LOCAL CHAMBER OF
23 COMMERCE;

24 (IV) ONE MEMBER WHO REPRESENTS A LARGE EMPLOYER; AND

25 (V) ONE MEMBER WHO REPRESENTS A COUNTY DEPARTMENT OF
26 HUMAN OR SOCIAL SERVICES.

27 (2)(a) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, OF

1 THE FIRST MEMBERS APPOINTED TO THE BOARD PURSUANT TO SUBSECTION
2 (1)(b) OF THIS SECTION, TWO MEMBERS SHALL SERVE AN INITIAL TERM OF
3 TWO YEARS.

4 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO
5 THE BOARD NO LATER THAN NOVEMBER 1, 2026.

6 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2027.

7 (3) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
8 DESIGNEE IS THE CHAIR OF THE BOARD.

9 (4) (a) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR
10 SERVE THREE-YEAR TERMS AND SERVE AT THE PLEASURE OF THE
11 GOVERNOR AND MAY BE REMOVED BY THE GOVERNOR. A MEMBER OF THE
12 BOARD MAY SERVE AN UNLIMITED NUMBER OF CONSECUTIVE TERMS.

13 (b) A MEMBER APPOINTED TO FILL A VACANCY SERVES THE
14 REMAINDER OF THE UNEXPIRED TERM OF THE MEMBER WHOSE VACANCY
15 IS BEING FILLED.

16 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
17 MAY BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL,
18 REASONABLE, AND NECESSARY EXPENSES, INCLUDING TRAVEL, FOOD, AND
19 LODGING, INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES
20 PURSUANT TO THIS PART 12.

21 (5) THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO CARRY
22 OUT ITS DUTIES. THE BOARD IS AUTHORIZED TO:

23 (a) IMPLEMENT AND ADMINISTER THE ENTERPRISE;

24 (b) ESTABLISH BYLAWS, AS APPROPRIATE AND CONSISTENT WITH
25 THIS PART 12, FOR THE BOARD'S EFFECTIVE OPERATION;

26 (c) ESTABLISH ADMINISTRATIVE AND ACCOUNTING PROCEDURES
27 FOR THE OPERATION OF THE ENTERPRISE; AND

1 (d) ADOPT RULES OR POLICIES CONCERNING:

2 (I) THE DETERMINATION AND CALCULATION OF AN EMPLOYER'S
3 SUPPORTED WORKERS;

4 (II) THE DETERMINATION OF THE AMOUNT OF THE FEE PAID BY
5 EACH LARGE EMPLOYER;

6 (III) THE USE OF ENTERPRISE REVENUE TO MAINTAIN MEDICAL
7 ASSISTANCE BENEFITS FOR INDIVIDUALS WHO ARE SUPPORTED WORKERS
8 AND TO INCREASE PROVIDER REIMBURSEMENT RATES FOR PROVIDERS OF
9 MEDICAL ASSISTANCE BENEFITS WHO SERVE SUPPORTED WORKERS; AND

10 (IV) THE USE OF ENTERPRISE REVENUE TO ASSIST WITH INITIAL
11 COSTS FOR OR ONGOING MAINTENANCE OF LARGE EMPLOYER WELLNESS
12 PROGRAMS OR ON-SITE CLINICS FOR WORKERS, IF ENTERPRISE REVENUE IS
13 ALLOCATED FOR THOSE PURPOSES.

14 (6) IN DETERMINING THE USE AND ALLOCATION OF ENTERPRISE
15 REVENUE, THE BOARD SHALL PRIORITIZE MAINTAINING MEDICAL
16 ASSISTANCE BENEFITS FOR SUPPORTED WORKERS AND SHALL ENSURE THAT
17 EXPENDITURES ARE REASONABLY RELATED TO THE COST OF THE SERVICES
18 PROVIDED TO LARGE EMPLOYERS.

19 **25.5-1-1206. Large employer health-care support fee - annual**
20 **employer report - imposition and collection of enterprise fee - penalty**
21 **- rules - repeal.**

22 (1) FOR THE 2027 CALENDAR YEAR, AND CONTINUING EACH
23 CALENDAR YEAR THEREAFTER, THE ENTERPRISE SHALL IMPOSE, ASSESS,
24 AND COLLECT THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE FROM
25 EACH LARGE EMPLOYER.

26 (2) (a) (I) ON OR BEFORE JANUARY 31, 2028, AND NO LATER THAN
27 EACH JANUARY 31 THEREAFTER, EVERY EMPLOYER THAT EMPLOYED FIVE

1 HUNDRED OR MORE EMPLOYEES IN THE STATE AT ANY TIME DURING THE
2 PRECEDING CALENDAR YEAR SHALL REPORT TO THE ENTERPRISE THE
3 EMPLOYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER, THE AVERAGE
4 NUMBER OF FULL-TIME, PART-TIME, AND 1099 EMPLOYEES, AND THE
5 NUMBER OF INDIVIDUALS SUBCONTRACTED FOR THE PRIMARY WORK OF
6 THE EMPLOYER, AND, WITH RESPECT TO EACH OF THE EMPLOYER'S
7 EMPLOYEES THAT WERE EMPLOYED AT ANY TIME DURING THE PRECEDING
8 CALENDAR YEAR:

9 (A) THE EMPLOYEE'S FULL LEGAL NAME AND DATE OF BIRTH;

10 (B) THE DATES WHEN THE EMPLOYEE WAS EMPLOYED DURING THE
11 YEAR;

12 (C) THE AVERAGE NUMBER OF HOURS WORKED PER MONTH FOR
13 EACH EMPLOYEE; AND

14 (D) ANY OTHER INFORMATION REQUIRED BY THE ENTERPRISE.

15 (II) THE ENTERPRISE MAY REQUIRE AN EMPLOYER TO FILE THE
16 REPORT REQUIRED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION
17 ELECTRONICALLY.

18 (III) IN ADDITION TO THE EMPLOYERS REQUIRED TO FILE A REPORT
19 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, THE ENTERPRISE
20 MAY REQUIRE ANY OTHER EMPLOYER DOING BUSINESS IN THE STATE TO
21 FILE A REPORT DETAILING THE INFORMATION SET FORTH IN SUBSECTION
22 (2)(a)(I) OF THIS SECTION.

23 (IV) IF AN EMPLOYER NEGLECTS OR REFUSES TO FILE A REPORT
24 PURSUANT TO SUBSECTION (2)(a)(I) OR (2)(a)(III) OF THIS SECTION, OR TO
25 PROVIDE A COPY OF RECORDS AS SET FORTH IN SUBSECTION (2)(e) OF THIS
26 SECTION, THE ENTERPRISE SHALL ESTIMATE THE AMOUNT OF THE LARGE
27 EMPLOYER HEALTH-CARE SUPPORT FEE DUE USING THE BEST INFORMATION

1 THAT MAY BE AVAILABLE. THE AMOUNT OF THE FEE MAY BE ESTIMATED
2 AND ASSESSED BY THE ENTERPRISE AT ANY TIME WITHIN THREE YEARS
3 AFTER THE REPORT IS DUE.

4 (b) (I) ON OR BEFORE MARCH 31, 2028, AND NO LATER THAN EACH
5 MARCH 31 THEREAFTER, THE ENTERPRISE SHALL DETERMINE WHETHER AN
6 EMPLOYER IS A LARGE EMPLOYER, CALCULATE AND IMPOSE THE LARGE
7 EMPLOYER HEALTH-CARE SUPPORT FEE DUE FOR EACH LARGE EMPLOYER,
8 AND SEND WRITTEN NOTICE PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS
9 SECTION TO EACH LARGE EMPLOYER AND TO THE DEPARTMENT OF
10 REVENUE.

11 (II) THE ENTERPRISE SHALL DETERMINE THE AMOUNT OF THE FEE
12 THAT IS REASONABLE BASED ON THE COST OF SERVICES PROVIDED TO
13 LARGE EMPLOYERS, INCLUDING MEDICAL ASSISTANCE SERVICES PROVIDED
14 TO SUPPORTED WORKERS, WHICH FEE AMOUNT THE ENTERPRISE MAY
15 ADJUST PURSUANT TO SUBSECTION (4) OF THIS SECTION.

16 (III) THE ENTERPRISE SHALL DETERMINE THE NUMBER OF
17 SUPPORTED WORKERS FOR EACH EMPLOYER USING AVAILABLE
18 ADMINISTRATIVE DATA AND DATA FROM THE ANNUAL EMPLOYER REPORT
19 REQUIRED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE
20 ENTERPRISE SHALL ENTER INTO DATA-SHARING AGREEMENTS WITH THE
21 DEPARTMENT OF REVENUE AND THE DEPARTMENT OF LABOR AND
22 EMPLOYMENT, IN ADDITION TO ANY OTHER AGENCIES WITH DATA
23 NECESSARY TO IMPLEMENT THIS SECTION.

24 (IV) THE ENTERPRISE SHALL ISSUE TO EACH LARGE EMPLOYER AND
25 TRANSMIT TO THE DEPARTMENT OF REVENUE A WRITTEN NOTICE OF THE
26 AMOUNT OF THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE DUE,
27 INSTRUCTIONS AND DUE DATES FOR PAYING THE FEE, AND AN

1 EXPLANATION OF THE PROCEDURE TO REVIEW THE IDENTIFICATION AS A
2 LARGE EMPLOYER, THE CALCULATION OF SUPPORTED WORKERS, OR TO
3 CLAIM THE EXEMPTION FROM THE FEE SPECIFIED IN SUBSECTION (2)(d) OF
4 THIS SECTION. THE NOTICE MAY BE SENT ELECTRONICALLY. THE NOTICE
5 MUST INCLUDE THE LARGE EMPLOYER'S NAME, THE LARGE EMPLOYER'S
6 FEDERAL EMPLOYER IDENTIFICATION NUMBER, THE AMOUNT OF THE LARGE
7 EMPLOYER HEALTH-CARE SUPPORT FEE THAT THE LARGE EMPLOYER IS
8 REQUIRED TO PAY, AND THE DATE THE PAYMENT IS DUE PURSUANT TO THIS
9 SUBSECTION (2).

10 (c) (I) WITHIN SIXTY DAYS AFTER THE DATE OF THE NOTICE ISSUED
11 PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS SECTION, THE EMPLOYER TO
12 WHOM NOTICE WAS ISSUED MAY FILE WITH THE ENTERPRISE A WRITTEN
13 REQUEST FOR REVIEW. THE REQUEST MUST SET FORTH THE REASONS FOR
14 REQUESTED CHANGES TO THE NOTICE. THE REQUEST MAY STATE A CLAIM
15 OF EXEMPTION FROM THE FEE PURSUANT TO SUBSECTION (2)(d) OF THIS
16 SECTION. THE EMPLOYER REQUESTING REVIEW HAS THE BURDEN OF PROOF
17 WITH RESPECT TO ISSUES RAISED IN THE REQUEST. THE ENTERPRISE SHALL
18 NOTIFY THE DEPARTMENT OF REVENUE WHEN A REQUEST FOR REVIEW IS
19 MADE BY AN EMPLOYER, AND THE DEPARTMENT OF REVENUE SHALL HOLD
20 IN ABEYANCE ANY ACTION TO COLLECT THE FEE UNTIL THE DEPARTMENT
21 OF REVENUE RECEIVES NOTICE OF THE ENTERPRISE'S FINAL
22 DETERMINATION PURSUANT TO SUBSECTION (2)(c)(II) OF THIS SECTION.

23 (II) UNLESS THE ENTERPRISE SUMMARILY CANCELS THE NOTICE,
24 THE ENTERPRISE SHALL HOLD A HEARING ON THE REQUEST FOR REVIEW IN
25 ACCORDANCE WITH ARTICLE 4 OF TITLE 24. BASED UPON THE EVIDENCE
26 PRESENTED AT THE HEARING OR FILED WITH THE REQUEST, THE
27 ENTERPRISE SHALL MAKE A FINAL DETERMINATION ON THE REQUEST. THE

1 ENTERPRISE MAY AFFIRM, MODIFY, OR CANCEL THE NOTICE OR MAY GRANT
2 AN EXEMPTION PURSUANT TO SUBSECTION (2)(d)(I) OF THIS SECTION. AN
3 EMPLOYER IS NOT ENTITLED TO A SECOND HEARING REGARDING THE
4 NOTICE. THE ENTERPRISE SHALL PROVIDE WRITTEN NOTICE OF ITS FINAL
5 DETERMINATION TO THE EMPLOYER AND TO THE DEPARTMENT OF
6 REVENUE. THE LARGE EMPLOYER SHALL PAY THE AMOUNT FOUND BY THE
7 ENTERPRISE TO BE DUE WITHIN SIXTY DAYS AFTER THE MAILING OF THE
8 FINAL DETERMINATION.

9 (d) (I) THE ENTERPRISE SHALL EXEMPT A LARGE EMPLOYER FROM
10 PAYMENT OF THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE IF THE
11 LARGE EMPLOYER DEMONSTRATES THAT THE LARGE EMPLOYER HAS
12 OFFERED AFFORDABLE HEALTH COVERAGE TO WORKERS WHO WORK
13 TWENTY OR MORE HOURS PER WEEK OR EIGHTY OR MORE HOURS PER
14 MONTH.

15 (II) IF AT ANY TIME DURING THE THREE YEARS FOLLOWING THE
16 GRANTING OF THE EXEMPTION BY THE ENTERPRISE THE LARGE EMPLOYER
17 CEASES OFFERING AFFORDABLE HEALTH COVERAGE TO EACH WORKER WHO
18 WORKS TWENTY OR MORE HOURS PER WEEK OR EIGHTY OR MORE HOURS
19 PER MONTH, THE LARGE EMPLOYER SHALL NOTIFY THE ENTERPRISE THAT
20 COVERAGE HAS CEASED. THE ENTERPRISE SHALL COMPUTE THE LARGE
21 EMPLOYER HEALTH-CARE SUPPORT FEE THAT WOULD HAVE BEEN IMPOSED
22 SINCE THE DATE THE EXEMPTION WAS GRANTED AND ISSUE THE LARGE
23 EMPLOYER THE NOTICE REQUIRED BY SUBSECTION (2)(b)(IV) OF THIS
24 SECTION. THE LARGE EMPLOYER MAY REQUEST REVIEW OF THE NOTICE AS
25 SET FORTH IN SUBSECTION (2)(c) OF THIS SECTION.

26 (e) EVERY EMPLOYER DOING BUSINESS IN THE STATE THAT
27 EMPLOYS FIVE HUNDRED OR MORE EMPLOYEES DURING THE CALENDAR

1 YEAR SHALL KEEP COMPLETE AND ACCURATE RECORDS NECESSARY FOR
2 THE DETERMINATION OF THE CORRECT AMOUNT OF THE LARGE EMPLOYER
3 HEALTH-CARE SUPPORT FEE BY THE ENTERPRISE. AN EMPLOYER SHALL
4 PROVIDE A COPY OF THE RECORDS REQUIRED TO BE KEPT PURSUANT TO
5 THIS SUBSECTION (2)(e) AND ANY OTHER RECORDS DEEMED NECESSARY
6 BY THE ENTERPRISE FOR THE DETERMINATION OF THE CORRECT AMOUNT
7 OF THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE TO THE ENTERPRISE,
8 IF SO REQUESTED. THE ENTERPRISE MAY ESTABLISH THE ACCEPTABLE
9 FORM OF SUCH RECORDS.

10 (f) THE ENTERPRISE AND DEPARTMENT OF REVENUE SHALL ADOPT
11 POLICIES OR RULES CONSISTENT WITH THE RULES CONCERNING THE FILING
12 AND PAYMENT PROVISIONS OF SECTION 39-21-119 THAT APPLY TO THE
13 FILING AND PAYMENT DUTIES IMPOSED BY THIS SECTION.

14 (3) (a) (I) THE DEPARTMENT OF REVENUE SHALL COLLECT AND
15 ENFORCE THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE ON BEHALF
16 OF THE ENTERPRISE FOLLOWING NOTICE FROM THE ENTERPRISE TO THE
17 DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS
18 SECTION OR UPON RECEIPT OF NOTICE OF FINAL DETERMINATION
19 PURSUANT TO SUBSECTION (2)(c)(II) OF THIS SECTION.

20 (II) THE DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT
21 THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
22 ADMINISTERING, AND ENFORCING THE LARGE EMPLOYER HEALTH-CARE
23 SUPPORT FEE AND SHALL TRANSMIT THE AMOUNT RETAINED TO THE STATE
24 TREASURER, WHO SHALL CREDIT IT TO THE APPROPRIATE CASH FUND FOR
25 THE DEPARTMENT OF REVENUE.

26 (b) (I) A LARGE EMPLOYER SHALL PAY THE DEPARTMENT OF
27 REVENUE THE AMOUNT SET FORTH IN THE NOTICE ISSUED BY THE

1 ENTERPRISE PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS SECTION
2 WITHIN SIXTY DAYS AFTER THE MAILING OF THE NOTICE UNLESS THE
3 EMPLOYER TIMELY FILED A WRITTEN REQUEST FOR REVIEW. IF A TIMELY
4 REQUEST FOR REVIEW IS FILED, THE LARGE EMPLOYER SHALL PAY THE
5 DEPARTMENT OF REVENUE THE AMOUNT DUE, IF ANY, AS STATED IN THE
6 FINAL DETERMINATION OF THE ENTERPRISE WITHIN SIXTY DAYS AFTER THE
7 MAILING OF THE FINAL DETERMINATION. THE DEPARTMENT OF REVENUE
8 MAY REQUIRE ELECTRONIC PAYMENT OF ANY AMOUNT DUE PURSUANT TO
9 THIS SECTION.

10 (c) (I) IF A LARGE EMPLOYER DOES NOT PAY THE LARGE EMPLOYER
11 HEALTH-CARE SUPPORT FEE DUE, THE DEPARTMENT OF REVENUE SHALL
12 ADD INTEREST, PURSUANT TO SECTION 39-21-110.5, TO THE UNPAID
13 AMOUNT AND A PENALTY EQUAL TO THE GREATER OF:

14 (A) FIFTEEN DOLLARS; OR

15 (B) TEN PERCENT OF THE UNPAID AMOUNT, PLUS ONE-HALF
16 PERCENT PER MONTH FROM THE DATE WHEN DUE, NOT TO EXCEED
17 EIGHTEEN PERCENT IN THE AGGREGATE.

18 (II) THE DEPARTMENT OF REVENUE SHALL PROCEED TO COLLECT
19 THE UNPAID AMOUNT, AND ANY INTEREST OR PENALTY ADDED TO THE
20 UNPAID AMOUNT, PURSUANT TO ARTICLE 21 OF TITLE 39 IN THE SAME
21 MANNER AS ANY UNPAID TAX, PENALTY, OR INTEREST ASSESSED
22 PURSUANT TO ARTICLE 21 OF TITLE 39. ALL METHODS OF COLLECTION AND
23 REMEDIES AUTHORIZED BY ARTICLE 21 OF TITLE 39 ARE AVAILABLE TO
24 THE DEPARTMENT OF REVENUE FOR PURPOSES OF ENFORCING THIS
25 SECTION.

26 (III) THE DEPARTMENT OF REVENUE SHALL NOT FILE A NOTICE OF
27 LIEN, ISSUE A DISTRRAINT WARRANT, INSTITUTE A SUIT FOR COLLECTION, OR

1 TAKE ANY OTHER ACTION TO COLLECT THE AMOUNT DUE MORE THAN
2 THREE YEARS AFTER THE PAYMENT IS DUE; EXCEPT THAT A NOTICE OF LIEN
3 THAT HAS BEEN FILED PRIOR TO THE EXPIRATION OF THE THREE-YEAR
4 PERIOD SHALL CONTINUE FOR ONE YEAR AFTER THE EXPIRATION OF THE
5 THREE-YEAR PERIOD.

6 (d) THE DEPARTMENT OF REVENUE MAY:

7 (I) GRANT A REASONABLE EXTENSION OF TIME FOR PAYING THE
8 LARGE EMPLOYER HEALTH-CARE SUPPORT FEE;

9 (II) WAIVE, FOR GOOD CAUSE SHOWN, ANY PENALTY OR INTEREST
10 ASSESSED PURSUANT TO THIS SECTION;

11 (III) COMPROMISE ANY CIVIL CASE ARISING PURSUANT TO THIS
12 SECTION AS SET FORTH IN SECTION 39-21-106; AND

13 (IV) ADOPT, AMEND, OR RESCIND RULES NECESSARY FOR THE
14 ADMINISTRATION OF THIS SECTION IN ACCORDANCE WITH ARTICLE 4 OF
15 TITLE 24.

16 (e) EXCEPT FOR THE AMOUNT RETAINED BY THE DEPARTMENT OF
17 REVENUE PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION, MONEY
18 THAT THE DEPARTMENT OF REVENUE COLLECTS PURSUANT TO THIS
19 SECTION IS CUSTODIAL MONEY HELD TEMPORARILY BY THE DEPARTMENT
20 OF REVENUE AND THE STATE TREASURER SOLELY FOR THE PURPOSE OF
21 TRANSFERRING THE MONEY TO THE LARGE EMPLOYER HEALTH-CARE
22 SUPPORT FUND FOR USE BY THE ENTERPRISE. BASED ON THE ENTERPRISE'S
23 STATUS AS AN ENTERPRISE, THE MONEY COLLECTED AND TRANSFERRED TO
24 THE LARGE EMPLOYER HEALTH-CARE SUPPORT FUND IS NOT SUBJECT TO
25 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AT ANY TIME
26 DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

27 (4) (a) THE ENTERPRISE MAY ANNUALLY ADJUST THE FEE AS

1 DETERMINED PURSUANT TO SUBSECTION (2)(b)(II) OF THIS SECTION FOR
2 INFLATION, TO REFLECT THE COST OF SERVICES PROVIDED TO LARGE
3 EMPLOYERS, INCLUDING MEDICAL ASSISTANCE COSTS FOR SUPPORTED
4 WORKERS OR FOR OTHER REASONS DETERMINED BY THE BOARD.

5 (b) (I) IF THE IMPOSITION OF THE FEE PURSUANT TO SUBSECTION
6 (2)(b)(I) OF THIS SECTION IS ESTIMATED TO RESULT IN THE COLLECTION OF
7 FEES AND SURCHARGES THAT EXCEED ONE HUNDRED MILLION DOLLARS IN
8 THE ENTERPRISE'S FIRST FIVE FISCAL YEARS, THE BOARD SHALL ADJUST
9 THE FEES, LOWER THE FEES, OR STOP COLLECTING THE FEES IN ORDER TO
10 NOT COLLECT FEES OR SURCHARGES THAT EXCEED ONE HUNDRED MILLION
11 DOLLARS IN THE ENTERPRISE'S FIRST FIVE FISCAL YEARS, WHICH FIVE-YEAR
12 PERIOD, FOR THE PURPOSE OF SECTION 24-77-108, ENDS ON JULY 1, 2030.
13 THEREFORE, THE ENTERPRISE IS IN COMPLIANCE WITH SECTION 24-77-108.

14 (II) THIS SUBSECTION (4)(b) REPEALS, EFFECTIVE JULY 1, 2031.

15 (5) THE ENTERPRISE MAY PAY, FROM FEE REVENUE RECEIVED BY
16 THE ENTERPRISE, REASONABLE AND NECESSARY DIRECT AND INDIRECT
17 EXPENSES RELATING TO:

18 (a) SERVICES OR SUPPORT PROVIDED TO THE ENTERPRISE BY THE
19 STATE DEPARTMENT RELATING TO THE PURPOSES OF THE ENTERPRISE; AND

20 (b) THE DEPARTMENT OF REVENUE'S COLLECTION AND
21 ENFORCEMENT OF THE FEE FROM LARGE EMPLOYERS AND TRANSMITTAL
22 OF THE FEE TO THE STATE TREASURER.

23 (6) FOR PURPOSES OF IMPOSING, ASSESSING, AND COLLECTING THE
24 FEE, AN EMPLOYER SHALL COMPLY WITH REQUESTS FOR DATA FROM THE
25 ENTERPRISE, AND ANY STATE AGENCIES REQUESTING DATA ON BEHALF OF
26 THE ENTERPRISE, THAT ARE NECESSARY TO IMPLEMENT THE ENTERPRISE'S
27 POWERS AND DUTIES PURSUANT TO THIS PART 12.

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25.5-1-1207. Large employer health-care support fund - creation - use of money.

(1) THERE IS CREATED IN THE STATE TREASURY THE LARGE EMPLOYER HEALTH-CARE SUPPORT FUND. THE FUND CONSISTS OF:

- (a) MONEY RECEIVED FROM THE FEE;
- (b) MONEY RECEIVED FROM THE SALE OF REVENUE BONDS ISSUED BY THE ENTERPRISE;
- (c) MONEY LOANED TO THE ENTERPRISE PURSUANT TO SECTION 25.5-1-1204 (5);
- (d) ANY GIFTS, GRANTS, DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE;
- (e) MONEY APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY; AND
- (f) INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR:

- (a) THE PURPOSES SPECIFIED IN SECTION 25.5-1-1204 (4); AND
- (b) ANY OTHER PURPOSES SPECIFIED IN THIS PART 12.

SECTION 2. In Colorado Revised Statutes, 39-21-102, **add** (10) as follows:

1 **39-21-102. Scope.**

2 (10) THIS ARTICLE 21 APPLIES TO THE FEE IMPOSED PURSUANT TO
3 SECTION 25.5-1-1206, BUT ONLY TO THE EXTENT THAT THIS ARTICLE 21 IS
4 NOT INCONSISTENT WITH SECTION 25.5-1-1206.

5 **SECTION 3.** In Colorado Revised Statutes, 39-21-113, **add** (40)
6 as follows:

7 **39-21-113. Reports and returns - rule - repeal.**

8 (40) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
9 EXECUTIVE DIRECTOR MAY PROVIDE TO THE DEPARTMENT OF HEALTH
10 CARE POLICY AND FINANCING SUCH DETAILED TAXPAYER INFORMATION
11 PERTINENT TO IMPOSING, ASSESSING, AND COLLECTING THE LARGE
12 EMPLOYER HEALTH-CARE SUPPORT FEE PURSUANT TO SECTION
13 25.5-1-1206. ANY INFORMATION PROVIDED PURSUANT TO THIS
14 SUBSECTION (40) MUST REMAIN CONFIDENTIAL, AND ALL PERSONS ARE
15 SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTION (4) OF THIS
16 SECTION AND THE PENALTIES SPECIFIED IN SUBSECTION (6) OF THIS
17 SECTION.

18 **SECTION 4. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.